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FISCAL IMPACT STATEMENT

LS 6167

BILL NUMBER: HB 1020

NOTE PREPARED: Feb 18, 2009

BILL AMENDED: Feb 17, 2009

SUBJECT: Ignition Interlock Devices.

FIRST AUTHOR: Rep. Duncan

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: (Amended) This bill has the following provisions:

- A. It provides that a court may grant probationary driving privileges to a person who is convicted of operating a vehicle or motorboat while intoxicated (OWI) and who does not have a previous OWI conviction or whose previous OWI conviction was at least ten years in the past and may order the person to not operate a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device for six months.
- B. It requires a court, when granting probationary driving privileges to a person who is convicted of OWI and whose previous OWI conviction was at least ten years in the past, to grant the probationary driving privileges subject to the condition that for six months the person may not operate a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device.

Effective Date: July 1, 2009.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: (Revised) *Minimal Costs to Counties* – Counties do not incur any additional cost when a court orders a person convicted of operating a vehicle while intoxicated to install and maintain an ignition interlock system. Persons who are ordered to install and properly maintain an ignition interlock system on their car pay the entire costs of the operation. The average fee for installing an ignition

interlock device is between \$70 and \$100, and the average cost of maintaining the device is between \$30 and \$60 per month. Current law does not require indigent persons convicted of OWI to pay to have an ignition interlock device installed. But current law does not require the court to pay the cost of installing and maintaining an ignition interlock device, either.

Under current law, courts can suspend a person's driving privileges or order the use of an ignition interlock device as a condition of probationary driving privileges if the person did not refuse the test and has no prior OWI convictions within the previous ten years. Any other person with an OWI offense that has occurred within ten years is required to have an ignition interlock device installed during the probationary period. (IC 9-30-5-16) A court may substitute an alcohol treatment program using disulfuram or a similar substance in lieu of installing ignition interlock devices in the vehicles of drivers with prior OWIs.

In an informal survey, Criminal Justice Institute staff reported that courts in the following counties routinely order ignition interlock devices for OWI offenders:

- Warrick County
- Dearborn County
- Saint Joseph County
- Tippecanoe County
- Porter County
- Clark County

Use of Disulfuram – Disulfuram is a drug that causes severe (but temporary) physical distress for persons who consume alcohol after taking the drug. Under current law, a court can only order an OWI offender to use disulfuram when the offender has had an OWI conviction within the past five years. Few courts currently use disulfuram as part of an alcohol treatment program.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Courts with OWI jurisdiction.

Information Sources: Bureau of Motor Vehicles; Dan Jeffries, Criminal Justice Institute; Jennifer Wagner, Indiana Judicial Center; *2007 Indiana Judicial Report*

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